

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - ReturnSTATE OF MICHIGAN  
52-1 JUDICIAL DISTRICT  
JUDICIAL CIRCUIT  
COUNTY PROBATE

## SUMMONS AND COMPLAINT

CASE NO.  
17-C01826-GC

## Court address

48150 Grand River Avenue, Novi, Michigan, USA, 48374-1222

Court telephone no.

(248) 305-6080

Plaintiff's name(s), address(es), and telephone no(s).

Kurt David  
c/o CREDIT REPAIR LAWYERS OF AMERICA  
22142 W. Nine Mile Rd.  
Southfield, MI 48033  
(248) 353-2882

Defendant's name(s), address(es), and telephone no(s).

Equifax Information Services, LLC  
RA: CSC Lawyers Incorporating Service Company  
601 Abbot Road  
East Lansing MI 48823

Plaintiff's attorney, bar no., address, and telephone no.

Gary D. Nitzkin P41155  
CREDIT REPAIR LAWYERS OF AMERICA  
22142 W. Nine Mile Rd.  
Southfield, MI 48033  
(248) 353-2882Case assigned to  
DAVIS M. REEDS  
This case assigned to  
JUDGE TRAVIS M. REEDS

2-1 DISTRICT COURT CLERK

MAR 24 2017

## SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 3-27-2017

This summons expires 6-26-2017

Court clerk

Alexandra Black

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**COMPLAINT Instruction:** The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

## Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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## General Civil Cases

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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## VENUE

Plaintiff(s) residence (include city, township, or village) Commerce Township, MI	Defendant(s) residence (include city, township, or village) BEast Lansing, MI
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Place where action arose or business conducted  
Commerce Township MI

3-22-17

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN  
IN THE 52-1<sup>st</sup> DISTRICT COURT

KURT DAVID,  
Plaintiff,

v.

EQUIFAX INFORMATION SERVICES, LLC,  
a Georgia company

Defendant.

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GARY D. NITZKIN (P41155)  
TRAVIS SHACKELFORD (P68710)  
CREDIT REPAIR LAWYERS OF AMERICA  
Attorneys for Plaintiff  
22142 West Nine Mile Road  
Southfield, MI 48033  
Phone (248) 353-2882  
Fax (248) 353-4840  
Email – gary@crlam.com

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RECEIVED, 52-1 DISTRICT COURT CLERK

MAR 24 2017

**COMPLAINT AND JURY DEMAND**

**NOW COMES THE PLAINTIFF, KURT DAVID, THROUGH COUNSEL,  
CREDIT REPAIR LAWYERS OF AMERICA, BY GARY D. NITZKIN, and for his  
Complaint against the Defendant, plead as follows:**

**VENUE**

1. The transactions and occurrences which give rise to this action occurred in Commerce Township, Oakland County, Michigan.
2. Venue is proper in 52-1<sup>st</sup> District Court in Oakland County, Michigan as the actions and occurrences recited herein occurred in Commerce Township, in Oakland County, Michigan.

3. The amount in controversy is less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

## **PARTIES**

4. The Defendant to this lawsuit is Equifax Information Services, LLC ("Equifax") which is a Georgia company that maintains a registered agent in Ingham County, Michigan.

## **GENERAL ALLEGATIONS**

5. On or about December 13, 2016, Mr. David obtained his Equifax credit file and noticed that Huntington Mortgage was reporting its trade line with account number 544319\*\*\*\*\*9429 ("Errant Trade Line") with inaccurate information. It was reported with a balance, past due balance and a payment amount.
6. All of this information was false so on or about January 12, 2017, Mr. David sent Equifax a letter disputing the Errant Trade Line. In this dispute letter, he stated that the Errant Trade Line was settled and that he did not owe any balance, past due amount or monthly payments. He requested that the information be removed from his Equifax credit file.
7. Upon information and belief, Equifax forwarded Mr. David's consumer dispute to Huntington Mortgage.
8. Mr. David did not receive Equifax's investigation results, so on or about March 1, 2017, he pulled his Equifax credit file. He noticed that although the balance and past due amounts were removed, Equifax retained language which showed that Mr. David owed Huntington a scheduled payment amount of \$46.00.

9. As a direct and proximate cause of the Defendant's negligent and/or willful failure to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., Plaintiff has suffered credit and emotional damages. Due to the Defendant's failure to correct the errors in his credit file, Plaintiff has been forced to refrain from applying for new credit or more favorable terms on existing credit lines. Plaintiff has also experienced undue stress and anxiety due to Defendant's failure to correct the errors in his credit file or improve his financial situation by obtaining new or more favorable credit terms as a result of the Defendant's violations of the FCRA.

**COUNT I**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EQUIFAX**

10. Plaintiff realleges the above paragraphs as if recited verbatim.
11. Defendant Equifax prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding Mr. David as that term is defined in 15 USC 1681a.
12. Such reports contained information about Mr. David that was false, misleading and inaccurate.
13. Equifax negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Mr. David, in violation of 15 USC 1681e(b).
14. After receiving Mr. David's consumer dispute to the Errant Trade Line, Equifax negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

15. As a direct and proximate cause of Equifax's negligent failure to perform its duties under the FCRA, Mr. David has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.

16. Equifax is liable to Mr. David by reason of its violation of the FCRA in an amount to be determined by the trier fact together with his reasonable attorneys' fees pursuant to 15 USC 1681o.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment against Equifax for actual damages, costs, interest and attorneys' fees in the amount of less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

**COUNT II**

**WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EQUIFAX**

17. Plaintiff realleges the above paragraphs as if recited verbatim.

18. Defendant Equifax prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding Mr. David as that term is defined in 15 USC 1681a.

19. Such reports contained information about Mr. David that was false, misleading and inaccurate.

20. Equifax willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to Mr. David, in violation of 15 USC 1681e(b).

21. After receiving Mr. David's consumer dispute to the Errant Trade Line, Equifax willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681.

22. As a direct and proximate cause of Equifax's willful failure to perform its duties under the FCRA, Mr. David has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.

23. Equifax is liable to Mr. David by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681n.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment against Defendant Equifax for the greater of statutory or actual damages, plus punitive damages along with costs, interest and reasonable attorneys' fees in the amount of less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

#### **JURY DEMAND**

Plaintiff hereby demands a trial by Jury.

Respectfully submitted,

March 21, 2017

Gary D. Nitzkin w/ permission  
GARY D. NITZKIN (P41155)  
TRAVIS SHACKELFORD (P68710)  
CREDIT REPAIR LAWYERS OF AMERICA  
Attorneys for Plaintiff  
22142 West Nine Mile Road  
Southfield, MI 48033  
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Fax (248) 353-4840  
Email – [gary@micreditlawyer.com](mailto:gary@micreditlawyer.com)

## PROOF OF SERVICE

## SUMMONS AND COMPLAINT

Case No.

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

## CERTIFICATE/AFFIDAVIT OF SERVICE/NONSERVICE

 OFFICER CERTIFICATE

OR

 AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served personally a copy of the summons and complaint.

I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Mileage fee \$	Total fee \$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date \_\_\_\_\_

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

## ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments

on \_\_\_\_\_ Day, date, time \_\_\_\_\_  
on behalf of \_\_\_\_\_

Signature

**CERTIFIED MAIL™**



7012 1640 0000 0674 0286

**NITZKIN & ASSOCIATES**  
22142 WEST NINE MILE ROAD  
SOUTHFIELD, MI 48033



Equifax Information Services, LLC  
RA: CSC Lawyers Incorporating Service  
Company  
601 Abbot Road  
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